

cated by Rule XXIV clause 8, motions to discharge committees (in order on the second and fourth Mondays, like District business) and reference of matters on the Speakers table take precedence over District business.<sup>(11)</sup>

District of Columbia business may be considered in the House as in Committee of the Whole by unanimous consent,<sup>(12)</sup> and private bills may be called Up.<sup>(13)</sup>

Unfinished business on District Day does not come again before the House until the next District Day unless the previous question has been ordered; and unfinished District bills must be affirmatively called up by the Member in charge.<sup>(14)</sup>

District Day may be transferred to another day not specified in the rule, either by unanimous consent or by a special order.<sup>(15)</sup>

§§ 876, 1123. When the 21-day discharge rule relating to the Committee on Rules was in effect, such motions to discharge had precedence over District business (see § 5.2, *infra*).

11. Bills reported by the Committee on the District of Columbia do not have such privilege as to prevent their being called up on Calendar Wednesday during the call of committees. See 7 Cannon's Precedents § 937.

12. See §§ 5.7, 5.8, *infra*.

13. See §§ 5.8, 5.11, *infra*.

14. See §§ 5.13, 5.14, *infra*.

15. See § 5.12, *infra*.

### ***Precedence of District Business***

**§ 5.1 When a Member seeks recognition to call up District of Columbia business on the fourth Monday (privileged under Rule XXIV clause 8) and another Member seeks recognition to move to suspend the rules and agree to a Senate joint resolution amending the Constitution (privileged pursuant to a unanimous-consent agreement making it in order on the fourth Monday for the Speaker to recognize Members to move suspension and passage of bills), it is within the discretion of the Speaker as to which of the two Members he shall recognize.**

On Aug. 27, 1962,<sup>(16)</sup> which was the fourth Monday of the month and therefore a day eligible for District of Columbia business, under Rule XXIV clause 8, Speaker John W. McCormack, of Massachusetts, recognized Mr. Emanuel Celler, of New York, to move to suspend the rules and pass a joint resolution (to amend the Constitution to prohibit the use of a poll tax as a qualification for voting) pursuant to a previous unanimous

16. 108 CONG. REC. 17654-70, 87th Cong. 2d Sess.

consent request making in order on that day motions to suspend the rules. The Speaker overruled a point of order against prior recognition for the motion to suspend the rules:

MR. CELLER: Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution on 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. ABERNETHY: Mr. Speaker, I make the point of order that this is District Day, that there are District bills on the calendar, and as a member of the Committee on the District of Columbia I respectfully demand recognition so that these bills may be considered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, may I be heard on the point of order?

THE SPEAKER: The Chair is prepared to rule, but the gentleman may be heard.

MR. ALBERT: Mr. Speaker, by unanimous consent, suspensions were transferred to this day, and under the rules the Speaker has power of recognition at his own discretion.

MR. ABERNETHY: Mr. Speaker, I respectfully call the attention of the chairman to clause 8, rule XXIV, page 432 of the House Manual. . . .

Mr. Speaker, I submit that rule is clear that when the time is claimed and the opportunity is claimed the

Chair shall permit those bills to be considered.

Therefore, Mr. Speaker, I respectfully submit my point of order is well taken, and that I should be permitted to call up bills which are now pending on the calendar from the Committee on the District of Columbia.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I should like to be heard on the point of order.

THE SPEAKER: The Chair will hear the gentleman.

MR. SMITH of Virginia: Mr. Speaker, the rules of the House on some things are very clear, and the rules of the House either mean something or they do not mean anything.

Mr. Speaker, the gentleman from Mississippi [Mr. Abernethy], has just called to the Chair's attention clause 8 of rule XXIV. Nothing could be clearer; nothing could be more mandatory. I want to repeat it because I hope the Chair will not fall into an error on this proposition:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only—

And that is all; that is all that you can consider—disposition of motions to discharge committees—

and after the disposal of such business on the Speaker's table as requires reference only—

That is all that the Chair is permitted to consider.

Mr. Speaker, after that is done the day—

shall when claimed by the Committee on the District of Columbia,

be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I know that the majority leader bases his defense upon the theory that the House having given unanimous consent to hear suspensions on this Monday instead of last Monday when they should have been heard—and I doubt if very many Members were here when that consent order was made and I am quite sure that a great number of them had no notice that it was going to be made, and certainly I did not—now the majority leader undertakes to say that having gotten unanimous consent to consider this motion on this day to suspend the rules, therefore, it gives the Speaker carte blanche authority to do away with the rule which gives first consideration to District of Columbia matters.

Mr. Speaker, there was no waiver of the rule on the District of Columbia. That consent did not dispose or dispense with the business on the District of Columbia day. The rule is completely mandatory. The rule says that on the second and fourth Mondays, if the District of Columbia claims the time, that the Speaker shall recognize them for such dispositions as they desire to call.

THE SPEAKER: The Chair is prepared to rule.

Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The mat-

ter is within the discretion of the Chair as to the matter of recognition.

**§ 5.2 When the “21-day rule” for the discharge of Committee on Rules resolutions was in effect in the 89th Congress, business called up under that rule was of the highest privilege and took precedence over District of Columbia business on District of Columbia Monday.**

On Sept. 13, 1965,<sup>(17)</sup> which was District of Columbia Monday, Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry propounded by the Chairman of the Committee on the District of Columbia:

MR. [JOHN L.] McMILLAN [of South Carolina]: A parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. McMILLAN: Mr. Speaker, now that the Journal has been read and other business has been dispensed with, is it in order to call up District bills under the rules of the House?

THE SPEAKER: If the gentleman from New York [Mr. Powell] yields for that purpose.

MR. McMILLAN: Mr. Speaker, has the gentleman from New York [Mr. Powell] been recognized?

THE SPEAKER: The Chair is going to recognize the gentleman from New

17. 111 CONG. REC. 23606, 89th Cong. 1st Sess.

York [Mr. Powell] because the gentleman from New York has the privileged matter.

The Chair recognizes the gentleman from New York.

Mr. Powell was recognized to call up, pursuant to then Rule XI clause 23 [Rule XI clause 4(b) in the 1979 *House Rules and Manual*], a resolution providing an order of business which had been pending before the Committee on Rules for more than 21 calendar days without being reported by that committee.<sup>(18)</sup>

**§ 5.3 A question of the privileges of the House may be raised pending the consideration of legislation called up by the Committee on the District of Columbia on the second and fourth Mondays of the month.**

On Dec. 14, 1970,<sup>(19)</sup> which was District of Columbia Monday, Speaker John W. McCormack, of Massachusetts, recognized Mr. Richard H. Ichord, of Missouri, to raise a question of the privileges of the House (relating to a restraining order issued by a federal court against the printing and publishing of a report by the Com-

mittee on Internal Security) before recognizing Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia, to call up District of Columbia business.

**§ 5.4 On a District Day, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the Chairman of the Committee on the District of Columbia to call up District business under Rule XXIV clause 8.**

On Sept. 24, 1962,<sup>(20)</sup> which was District of Columbia Day under Rule XXIV clause 8, Speaker John W. McCormack, of Massachusetts, first recognized Mr. William M. Colmer, of Mississippi, to call up by direction of the Committee on Rules House Resolution 804, making in order and providing for the consideration of Senate Joint Resolution 224, authorizing the President to call up armed forces reservists. The House having agreed to the resolution, the Speaker rec-

18. See also 111 CONG. REC. 18076, 18087, 89th Cong. 1st Sess., July 26, 1965.

19. 116 CONG. REC. 41355, 41374, 91st Cong. 2d Sess.

20. 108 CONG. REC. 20489-94, 87th Cong. 2d Sess.

ognized Carl Vinson, of Georgia, Chairman of the Committee on Armed Services and manager of the joint resolution, to move that the House resolve itself into the Committee of the Whole for the consideration of the joint resolution, which was, after debate, agreed to by the House.

The Speaker then stated that it was District of Columbia Day and recognized Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia, for District business.<sup>(1)</sup>

**§ 5.5 A privileged motion to dispense with Calendar Wednesday business preceded District of Columbia business under Rule XXIV clause 8.**

On June 11, 1973,<sup>(2)</sup> which was District of Columbia Monday, Mr. John J. McFall, of California, was first recognized by Speaker Carl Albert, of Oklahoma, to offer the privileged motion (under Rule XXIV clause 7) to dispense with Calendar Wednesday business, before Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia

was recognized to call up District business.

***Consideration Generally***

**§ 5.6 Before the adoption of the requirement of a three-day layover for committee reports, the Speaker held that a bill reported by the Committee on the District of Columbia was privileged for consideration on the second and fourth Mondays irrespective of whether the report had been printed.**

On July 8, 1968,<sup>(3)</sup> which was District of Columbia Monday, Mr. John V. Dowdy, of Texas, called up for consideration a District of Columbia bill which had been reported out the same day by the committee and on which the committee report was not yet printed. Under a reservation of the right to object, Mr. H. R. Gross, of Iowa, inquired whether it was in order to consider the bill. Speaker John W. McCormack, of Massachusetts, responded that in view of the fact that the committee had filed its report, it was in order to consider the bill. After the reading of the bill in the House as in the Committee of the Whole, Mr. Dowdy

1. *Id.* at p. 20521.

2. 119 CONG. REC. 19028-30, 93d Cong. 1st Sess.

3. 114 CONG. REC. 20057, 20058, 90th Cong. 2d Sess.

withdrew the bill from consideration.

*Parliamentarian's Note:* The decision of the Chair predated the 1971 amendment to the rules of the House in order to implement the Legislative Reorganization Act of 1970. Rule XI clause 27(d)(4) [Rule XI clause 2(l)(6) in the *House Rules and Manual* (1979)] now requires a three-day layover of committee reports before their consideration by the House, in order that printed reports be available to Members.

**§ 5.7 District of Columbia bills, called up on District Day, if on the Union Calendar, may be considered by unanimous consent in the House as in Committee of the Whole or in the Committee of the Whole.**

On Aug. 11, 1964,<sup>(4)</sup> which was District of Columbia Day, Mr. John V. Dowdy, of Texas, asked unanimous consent that a District of Columbia bill, pending on the Union Calendar, be considered in the House as in the Committee of the Whole; the request was objected to. He then moved that the House resolve itself into the Committee of the Whole for consideration of the bill and, pending that motion, asked unanimous consent

4. 110 CONG. REC. 18949, 88th Cong. 2d Sess.

that general debate on the bill be limited to one hour. The request was objected to, Speaker John W. McCormack, of Massachusetts, put the question on the motion, and the motion was rejected by the House.

*Parliamentarian's Note:* General debate in Committee of the Whole on District of Columbia bills is under the hour rule unless limited by the House or Committee of the Whole; on one occasion where such debate had not been limited in the House, the Chairman of the Committee of the Whole recognized five Members successively for one hour of debate each.<sup>(5)</sup>

**§ 5.8 District of Columbia bills called up on District Day, if on the Private Calendar, may be considered by unanimous consent in the House as in Committee of the Whole.**

On Apr. 24, 1972,<sup>(6)</sup> the House agreed to a unanimous-consent request for the consideration of a District of Columbia bill pending on the Private Calendar:

MR. [WILLIAMSON SYLVESTER] STUCKEY [Jr., of Georgia]: Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the

5. 87 CONG. REC. 3917-39, 77th Cong. 1st Sess., May 12, 1941.

6. 118 CONG. REC. 14000, 92d Cong. 2d Sess.

bill (H.R. 2895) to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

THE SPEAKER: <sup>(7)</sup> Is there objection to the request of the gentleman from Georgia?

There was no objection.

*Parliamentarian's Note:* Private Calendar bills, when called up by unanimous consent, are considered under the five-minute rule in the Committee of the Whole House, and the form of the request in this instance was unnecessary.

The Journal properly indicated in this instance that the Committee of the Whole House was discharged from consideration of the private bill when the bill was considered by unanimous consent in the House as in the Committee of the Whole.

**§ 5.9 A bill called up by the Committee on the District of Columbia was refused consideration twice on the same day (by negative votes on the motion to resolve into Committee of Whole to consider the bill).**

On June 14, 1937,<sup>(8)</sup> Speaker William B. Bankhead, of Ala-

7. Carl Albert (Okla.).

8. 81 CONG. REC. 5667, 5668, 75th Cong. 1st Sess.

bama, announced that it was District of Columbia Monday. Mr. Vincent L. Palmisano, of Maryland, twice offered and the House twice rejected, motions that the House resolve itself into the Committee of the Whole for the consideration of H.R. 7472, to provide additional revenue for the District of Columbia.

**§ 5.10 The House struck out the enacting clause of a bill called up on District of Columbia Day being considered in the House as in the Committee of the Whole.**

On Apr. 28, 1941,<sup>(9)</sup> H.R. 4342, to authorize black-outs in the District of Columbia, was being considered in the House as in the Committee of the Whole. Mr. Dewey Short, of Missouri, moved that the enacting clause be stricken from the bill, which was agreed to.

*Parliamentarian's Note:* The motion to strike out the enacting clause of a bill is classified among those motions applicable only in the Committee of the Whole [Rule XXIII clause 7], although the motion was in earlier times utilized in the House as well [see *House Rules and Manual* §876 (1979)]. The motion is in order in the

9. 87 CONG. REC. 3352, 77th Cong. 1st Sess.

House only during the amendment stage [i.e., in the House as in the Committee of the Whole] and takes precedence only over the motion to amend [see also Rule XVI clause 4 for other privileged motions in the House].

### ***Private Bills***

#### **§ 5.11 It is in order on District of Columbia Monday for the Committee on the District of Columbia to call up bills on the Private Calendar which have been reported by that committee.**

On May 26, 1930,<sup>(10)</sup> which was District of Columbia Monday, Mr. Clarence J. McLeod, of Michigan, of the Committee on the District of Columbia asked unanimous consent to take up a bill; Speaker pro tempore Carl R. Chindblom, of Illinois, ruled, in response to a reservation of the right to object, that unanimous consent was not required and that the matter was privileged:

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Reserving the right to object, I note that the bill bears Calendar No. 672 on the Private Calendar. On Saturday last we got as far as Calendar No. 500. I do not question but that this bill will be reached in the regular order on call of that calendar.

10. 72 CONG. REC. 9607, 71st Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: The Chair will state that while the gentleman from Michigan asked unanimous consent to take up the bill, the Chair did not put the request in that manner. The gentleman is privileged on District day to call up a bill on the Private Calendar.

MR. STAFFORD: I hope that the gentleman will not press it for the reason that it has not been the practice for a committee on the day it has to bring up legislation to bring up private bills. I would like to have the matter go over.

MR. MCLEOD: I called up the bill by agreement with several Members of the House.

The Speaker pro tempore cited 4 Hinds' Precedents §3310 for the proposition that unanimous consent was not required and that the bill could be brought up by motion.

### ***Transferring District of Columbia Day***

#### **§ 5.12 By unanimous consent (or by a special order) the House may make in order on certain days, which are not District of Columbia days under Rule XXIV clause 8, the consideration of District of Columbia bills, such consideration to be either under the general rules of the House or under the normal procedures for District of Columbia business.**



On Dec. 3, 1970,<sup>(11)</sup> the House agreed to a unanimous-consent request relating to the order of business:

Mr. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that it shall be in order, on Wednesday or any following day next week, to call up for consideration under the general rules of the House the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes.

THE SPEAKER:<sup>(12)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The following unanimous-consent request was agreed to on May 25, 1960:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that on Wednesday of next week it may be in order for the Speaker to recognize the chairman of the Committee on the District of Columbia or any member thereof to consider as under District of Columbia Day, one bill, H.R. 12063, to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport to the District of Columbia system.

This has been cleared with the ranking member of the Committee on the District of Columbia and the minority leader.<sup>(13)</sup>

On one occasion, District of Columbia business was by unanimous consent transferred from Monday to the following day due to the death of a Member (John Bennett, of Michigan).<sup>(14)</sup>

### ***Unfinished Business***

#### **§ 5.13 Business unfinished on District of Columbia Day does not come up until the next day on which that business is in order.**

On June 26, 1939,<sup>(15)</sup> the Committee of the Whole was considering District of Columbia business brought up on District of Columbia Day. Chairman Fritz G. Lanham, of Texas, answered a parliamentary inquiry as to the effect on the pending bill should the Committee rise without completing the bill on that day:

MR. [WALTER G.] ANDREWS [of New York]: Mr. Chairman, I move that the Committee do now rise.

MR. [KENT E.] KELLER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLER: Mr. Chairman, what would be the effect on this bill if we should vote to rise?

11. 116 CONG. REC. 39843, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 106 CONG. REC. 11116, 86th Cong. 2d Sess.

14. 110 CONG. REC. 18854, 88th Cong. 2d Sess., Aug. 10, 1964.

15. 84 CONG. REC. 7927, 7928, 76th Cong. 1st Sess.

THE CHAIRMAN: It would be the unfinished business of the Committee on the District of Columbia on the next day that committee is called.

MR. KELLER: What day would that be?

THE CHAIRMAN: The second and fourth Monday of each month are District days.

MR. KELLER: If we want present consideration of this bill we will have to vote against the motion?

THE CHAIRMAN: I think the membership is sufficiently informed with reference to the motion. The question is on the motion to rise.

**§ 5.14 Unfinished business on a District of Columbia Monday does not come up automatically when that class of business is again in order but may be called up by a Member in charge of the legislation.**

On May 9, 1932,<sup>(16)</sup> Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the order of business on District of Columbia Monday:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, I ask unanimous consent to call up concurrent resolution (S. Con. Res. 27), and yield five minutes to the gentleman from Ohio, Mr. (Byron B.) Harlan to offer an amendment thereto.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

16. 75 CONG. REC. 9836, 72d Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. STAFFORD: Mr. Speaker, on the last day given over to District business, House Joint Resolution 154, providing for a merger of the street-railway systems in the District of Columbia, was the unfinished business. As this joint resolution was the unfinished business when the District Committee last had the call, is it not the unfinished business when the House resumes consideration of District business?

THE SPEAKER: The Chair thinks not, because a motion to consider it is necessary. Wherever a motion is required, the unfinished business has no precedence over any other business.

***Form of Special Rule***

**§ 5.15 Form of special rule providing for the consideration of a District of Columbia bill in the Committee of the Whole House on the state of the Union, waiving points of order, closing general debate on the bill, waiving the second reading, opening all sections of the bill for amendment, and limiting debate under the five-minute rule to an hour and a half.**

The following resolution was considered on Apr. 17, 1936:<sup>(17)</sup>

**HOUSE RESOLUTION 489**

*Resolved*, That immediately upon the adoption of this resolution the House

17. 80 CONG. REC. 5634, 74th Cong. 2d Sess.

shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 11563, a bill declaring an emergency in the housing condition in the District of Columbia; creating a Rent Commission for the District of Columbia; prescribing powers and duties of the commission, and for other purposes; and all points of order against said bill are hereby waived. General debate on said bill shall be considered as closed, and the bill shall be considered as having been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute rule shall be closed within one hour and a half. At the conclusion of the consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

## § 6. One-minute Speeches

Although not provided for in the order of business specified in the rules of the House, one-minute speeches, for the purpose of debate only, are usually entertained by the Speaker immediately following the approval of the Journal and before any legislative business.<sup>(18)</sup> Members obtain recognition

for one-minute speeches by requesting unanimous consent to address the House for one minute; speeches made under the procedure may not exceed one minute or 300 words (if the word-limit is exceeded, the speech will be printed in the Extensions of Remarks or Appendix of the Record).<sup>(19)</sup> One-minute speeches are distinguished from “special-order” speeches, which may extend up to one hour and which follow the legislative program of the day.<sup>(20)</sup>

The normal procedure for one-minute speeches may be varied where necessary; such speeches may, for example, exceed one-minute, in the discretion of the Speaker, when no legislative business is scheduled.<sup>(1)</sup> And the Speaker may decline to recognize for one-minute speeches before proceeding to pressing business.<sup>(2)</sup> The Speaker has on occasion rec-

speeches, see § 6.1, *infra*. For discussion of the principle that orders to address the House for more than one minute must follow the legislative business of the day, see § 7.1, *infra*.

19. See § 6.1, *infra*. See also Ch. 29, *infra* (consideration and debate) and Ch. 5, *supra* (discussing the *Congressional Record*), for the relationship of one minute speeches to recognition, debate, and the printing of the *Congressional Record*.

20. See § 7, *infra*.

1. See §§ 6.1, 6.5, *infra*.

2. See §§ 6.6, 6.7, *infra*.

18. For discussion of the evolution of the practice of allowing one-minute